

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADAM JAY STONE,

Plaintiff,

v.

ANDERSON, et al.,

Defendants.

No. 1:21-cv-01461-SAB (PC)

ORDER GRANTING DEFENDANTS' ORAL
MOTION TO EXCLUDE PRESENTATION
OF SOME OF PLAINTIFF'S WITNESSES

Plaintiff Adam Jay Stone is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983.

The jury trial in this case began on April 29, 2025. Defendants made an oral motion to exclude the presentation of some of Plaintiff's subpoenaed witnesses. For the reasons stated on the record, Defendants' motion is granted as to the following witnesses: Cynthia Rojas, Howard Moseley, Rachel Munoz, Elizabeth Stark, Larry Moore, Constance Waddle, Jeffrey Brown, James Neighbors, Rachel Wood, Scott Johnson, Vernon Grant, Aaron Leyva, Carlos Urrutia, Vincent Escobedo, Guillermo Villagomez, Stanley Lovett, Cesar Varguez, and Bruce Sparks.¹

IT IS SO ORDERED.

Dated: April 30, 2025



STANLEY A. BOONE

United States Magistrate Judge

¹ The Court notes that Mr. Sparks is retired and resides out-of-state and over 100 miles from the courthouse. Therefore, this witness was not properly served. See Fed. R. Civ. P. 45(c) (for subpoenas issued to nonparty witnesses for hearings and depositions, the subpoena can only require that a person travel within 100 miles of where "the person resides, is employed, or regularly transacts business in person."); see also Estate of Klieman v. Palestinian Auth., 293 FRD 235, 238-40 (D DC 2013). The Ninth Circuit has concluded the 100-mile geographic limitation applies even where the witness testifies remotely (e.g., via videoconference). In re Kirkland, 75 F.4th 1030, 1043-46 (9th Cir. 2023). In addition, irrespective of the distance, the record does not show that he was personally served with a subpoena to testify. In fact, the Defendants proffered that he was not personally served with subpoena to testify at trial.

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